

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

BRIAN WHITAKER,  
Plaintiff,

v.

JOHN J. SUSA, et al.,  
Defendants.

Case No. [21-cv-06402-WHO](#)

**ORDER OF DISMISSAL**

Re: Dkt. Nos. 42, 44

The plaintiff in this action has advised the court that he has voluntarily dismissed defendants John Susa and Annette Susa without prejudice and reached a settlement with defendant Mercado Los Reyes, Inc. Dkt. Nos. 42, 44.

IT IS ORDERED that this matter is DISMISSED—without prejudice against defendants John Susa and Annette Susa, and with prejudice against defendant Mercado Los Reyes, Inc.—and any hearings scheduled in this matter are VACATED. It is further ordered that if either the plaintiff or defendant Mercado Los Reyes, Inc. certifies to this court, with proper notice to opposing counsel within ninety (90) days from the date below, that settlement has not in fact occurred, this order shall be vacated and this cause shall be restored to the calendar for further proceedings. **IT IS SO**

**ORDERED.**

Dated: April 5, 2023



WILLIAM H. ORRICK  
United States District Judge